

Article - Health - General

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§18-4A-03.

(a) Subject to the provisions of this section, the following individuals, not in order of priority, may consent to the immunization of a minor if a parent is not reasonably available and the authority to consent is not denied under subsection (b) or (c) of this section:

- (1) A grandparent;
- (2) An adult brother or sister;
- (3) An adult aunt or uncle;
- (4) A stepparent;
- (5) Any other adult who has care and control of the minor;
- (6) A court that has jurisdiction of a suit affecting the parent-child relationship of which the minor is the subject;
- (7) An adult who has care and control of the minor under an order of a court or by commitment by a court to the care of an agency of the State or county if the adult reasonably believes the minor needs immunization; or
- (8) For minors in its care and custody, the Department of Juvenile Services.

(b) A person may not consent to the immunization of a minor under subsection (a) of this section if:

- (1) The person has actual knowledge that the parent has expressly refused to give consent to the immunization; or
- (2) The parent has told the person that the person may not consent to the immunization of the minor or, in the case of a written authorization, has withdrawn the authorization in writing.

(c) When a parent has been contacted and requested to consent to the immunization of a minor, the Department of Juvenile Services may consent to the immunization of a minor in its care and custody if the parent:

(1) Has not acted on the request; and

(2) Has not expressly denied to the Department of Juvenile Services the authority to consent to the immunization of the minor.

(d) For purposes of this section, a person is not reasonably available if:

(1) The location of the person is unknown;

(2) (i) A reasonable effort made by a person listed in subsection (a) of this section to locate and communicate with the parent for the purpose of obtaining consent has failed; and

(ii) Not more than 90 days have passed since the date that the effort was made; or

(3) The parent has been contacted by a person listed in subsection (a) of this section and requested to consent to the immunization of the minor, and the parent:

(i) Has not acted on the request; and

(ii) Has not expressly denied authority to the person listed in subsection (a) of this section to consent to immunization of the minor.

(e) A person authorized to consent to the immunization of a minor under this section shall confirm that the parent is not reasonably available in writing and the written confirmation shall be included in the minor's medical record.

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